IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

And
THE HON'BLE SRI JUSTICE K.C. BHANU

WRIT PETITION NO : 14594 of 2005

Between:

T. Rajeshwar Rao, S/o. Bhaskar Rao,
R/o. 409, Sai Datta Apartments, Ameerpet, Hyderabad.

..... PETITIONER

AND

1 The Joint Transport Commissiner and Secretary, Regional Transport

Authority, Khairtabad, Hyderabad.
2 The Asst. Motor Vehicles Inspector, Kothur Check Post, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction particularly one in the nature of a writ of Mandamus, declaring the action of the 1st respondent in rejecting the appeal vide proceedings No. 104607/D4/2005, dt. 3-6-2005, for lease of the petitioner's vehicle bearing No. AP/05u - 3434 seized under vehicle check report No. 084424, Dated 23-5-2005 by the 2nd respondent as illegal, arbitrary unjust and consequently direct the respondents to release the vehicle of the petitioner forthwith and to pass such other order or orders as this Hon'ble Court may be deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.B.SIVA RAMA KRISHNAIAH

Counsel for the Respondents : GP FOR TRANSPORT

The Court made the following :

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ORDER : (per Hon'ble Sri Bilal Nazki, ACJ)

Heard learned Counsel for the parties. With their consent, the writ petition is being disposed of at this stage.

The petitioner's vehicle has been seized according to the Check Report, on 23.5.2005. Besides other allegations, there is an allegation that the petitioner had not paid the tax for the quarter 30.6.2005. Enquiry is pending. The learned Government Pleader submits that since the tax is not paid, the petitioner is liable to pay the tax along with penalty. The penalty will, however, have to be determined after issuing a show cause notice to the petitioner. Therefore, in these circumstances, we direct release of vehicle on payment of tax due. The question of penalty shall, however, be decided by the authorities concerned in accordance with law.

Writ petition is accordingly disposed of. No order as to costs.

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(BILAL NAZKI, ACJ)

7th July 2005.

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(K.C.BHANU, J)

N.B.

C.C. by tomorrow.

(B/o)

ajr

……REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Joint Transport Commissiner and Secretary, Regional Transport

Authority, Khairtabad, Hyderabad.

2 The Asst. Motor Vehicles Inspector, Kothur Check Post, Krishna District.

3 Two C.Cs. to the GP for Transport, High Court buildings,

Hyderabad (O.U.T).

4 1 CC to MR.SIVA RAMA KRISHNAIAH

5 Two C.D. copies.